

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|-------------------------------|---|----------------------------|
| EMMIE JONES, as Parent and |) | |
| Guardian of MJ, a minor, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Docket no. 2:11-cv-437-GZS |
| v. |) | |
| |) | |
| FAIRBANK RECONSTRUCTION CORP. |) | |
| et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |

PROCEDURAL ORDER

Before the Court is the Motion for Leave to File a Supplemental Brief in Opposition to the Pending Motion for Summary Judgment by Defendant Greater Omaha Packing Co., Inc. (“GOPAC”) (ECF No. 89). In accordance with Court-ordered expedited briefing, Fairbank Reconstruction Corp. (“Fairbank”) filed its Response (ECF No. 90) on May 23, 2013, in which Fairbank indicated that it did not object to GOPAC’s request to file a supplemental brief. Then, on May 30, 2013, GOPAC filed its Reply (ECF No. 91). Having reviewed all of these filings, the Court hereby GRANTS the Motion for Leave to File a Supplemental Brief WITHOUT OBJECTION.

No later than June 10, 2013, Fairbank may file a supplemental brief on the pending Motion for Summary Judgment (ECF No. 58) not to exceed ten pages. To the extent that Fairbank’s supplemental brief intends to oppose summary judgment based on “newly acquired” evidence, the Court expects that Fairbank’s supplemental brief will be accompanied by a supplemental statement of material facts that complies with Local Rule 56(b). This supplemental

statement of material facts shall not exceed 25 paragraphs. To the extent the statement of material facts relies on previously filed materials, the statement of material facts shall include a pin citation to the record, preferably using the Page ID# generated as part of the CM/ECF header.

No later than June 19, 2013, Fairbank shall respond to the supplemental statement of material facts in accordance with the procedure generally laid out in Local Rule 56(c). The Court does not anticipate that Fairbank will file any additional statements of material fact beyond statements made in support of a “denied” or “qualified” statement. To the extent Fairbank finds it necessary to file a separate response to GOPAC’s supplemental brief, the Court will consider any accompanying response brief filed by June 19, 2013. The response brief shall be no more than seven pages.

The Court notes that the parties have attached approximately 550 pages of attachments to the pending motion seeking leave to supplement. The Court cannot and will not consider these materials in connection with the pending motion for summary judgment. As explained in Local Rule 56(f), the Court considers only parts of the record “specifically referenced in the parties’ separate statement of facts.” The parties are encouraged to include proper record citation in the supplemental statements of material fact if they wish the Court to review and consider any of the attachments in connection with the Motion for Summary Judgment.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 31st day of May, 2013.